



PTO/SB/30 (08-00)

+ RCE

REQUEST FOR CONTINUED EXAMINATION (RCE) TRANSMITTAL

Subsection (b) of 35 U.S.C. § 132, effective on May 29, 2000, provides for continued examination of an utility or plant application filed on or after June 8, 1995.
See The American Inventors Protection Act of 1999 (AIPA).

Application Number	09/990,270
Filing Date	November 23, 2001
First Named Inventor	Kazuo HORIKAWA
Group Art Unit	3682
Examiner Name	Bradley J. Van Pelt
Attorney Docket Number	VX012386

This is a Request for Continued Examination (RCE) under 37 CFR 1.114 of the above-identified application. Request for Continued Examination (RCE) practice under 37 CFR 1.114 does not apply to any utility or plant application filed prior to June 8, 1995, or to any design application

1. Submission required under 37 C.F.R. § 1.114

- a. ☒ Previously submitted
- i. ☒ Consider the amendment(s)/reply under 37 C.F.R. § 1.116 previously filed on: June 14, 2004.
(Any unentered amendment(s) referred to above will be entered).
- ii. ☐ Consider the arguments in the Appeal Brief or Reply Brief previously filed on: _____
- iii. ☒ Other Timely Submission Statement filed herewith.
- b. ☐ Enclosed
- i. ☐ Amendment/Reply
- ii. ☐ Affidavit(s)/Declaration(s)
- iii. ☐ Information Disclosure Statement (IDS)
- iv. ☐ Other _____

2. Miscellaneous

- a. ☐ Suspension of action on the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of _____ months. (Period of suspension shall not exceed 3 months; Fee under 37 C.F.R. § 1.17(i) required)
- b. ☐ Other _____

3. Fees

The RCE fee under 37 C.F.R. § 1.17(e) is required by 37 C.F.R. § 1.114 when the RCE is filed.

- a. ☒ The Director is hereby authorized to charge the following fees, or credit any overpayments, to Deposit Account No. 22-0256.
- i. ☐ RCE fee required under 37 C.F.R. § 1.17(e).
- ii. ☐ Extension of time fee (37 C.F.R. §§ 1.136 and 1.17).
- iii. ☒ Other any deficiency in the required fees.
- b. ☒ Check in the amount of \$ 770.00 is enclosed.
- c. ☐ Payment by credit card (Form PTO-2038 enclosed)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT REQUIRED

Name (Print/Type)	R. Eugene Varndell, Jr.	Registration No. (Attorney/Agent)	29,728
Signature		Date	August 16, 2004

CERTIFICATE OF MAILING OR TRANSMISSION

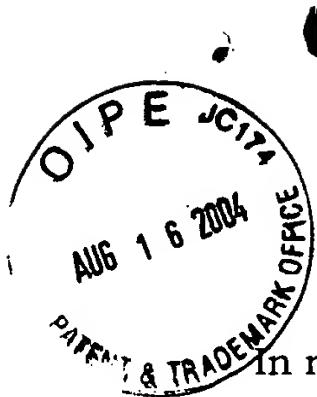
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner For Patents, Box RCE, Washington, DC 20231, or facsimile transmitted to the U.S. Patent and Trademark Office on:

Name (Print/Type)		Date	
Signature		Date	

08/18/2004 VARDELRI 00000060 09990270

01 FC:1801

770.00 OP



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the application of:

Inventor(s) : Kazuo HORIKAWA
Serial Number : 09/990,270
Filed : November 23, 2001
For : LOCK CLEVER DEVICE FOR WORKING IMPLEMENT
DRIVE CONTROL SYSTEM OF CONSTRUCTION
MACHINE VEHICLE
Examiner : Bradley J. Van Pelt
Group Art Unit : 3682

TIMELY SUBMISSION STATEMENT

The Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

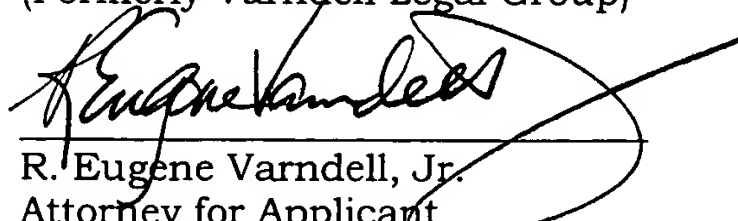
August 16, 2003

Dear Sir:

A Notice of Appeal was timely filed in this application on June 14, 2004, making an appeal brief due within two-months, or in other words, on or before August 14, 2004. Since August 14, 2004, was a Saturday, an appeal brief or the attached Request for Continued Examination (RCE) can be timely filed on the next business day, Monday, August 16, 2004.

In the event that this paper or any paper file together herewith is not timely filed, applicant hereby petitions for an appropriate extension of time. The director is hereby authorized to charge the fee therefor, as well as any deficiency in the payment of the required fee(s) or credit any overpayment(s), to our deposit account No. 22-0256.

Respectfully submitted,
VARNDELL & VARNDELL, PLLC
(Formerly Varndell Legal Group)


R. Eugene Varndell, Jr.
Attorney for Applicant
Registration No. 29,728

Atty. File No.: VX012386
106-A South Columbus Street
Alexandria, VA 22314
(703) 683-9730

V:\Vdocs\W_Docs\Aug04\P0-152-2386 Statement.doc